

12-29-05 B

PTO/SB/21 (08-03)

2876
TW

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael Ehrhart
Group Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

Total Number of Pages in This Submission

4

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Official Communication Summary of Telephone Interview (2pgs.) and Return Mail Room Postcard.

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.

Express Mail Label No. EV554212832US

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name

Wall Marjama & Bilinski LLP

George S. Blasiak

Reg. No. 37,283

Signature

George S. Blasiak

Date

December 28, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (Express Mail Label No. EV554212832US) in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: December 28, 2005

Typed or printed name

Jeannine C. Schirripa

Signature

Jeannine C. Schirripa

Date

December 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Express Mail Label No. EV554212832US
Attorney Docket No.283-325
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail addressed to Mail Stop: Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 28, 2005. Express Mail Label No. EV554212832US

Jeannine C. Schirripa
Jeannine C. Schirripa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/858,163	Confirmation No.:	3286
Applicant:	Michael Ehrhart		
Filed:	May 15, 2001		
Art Unit:	2876		
Examiner:	Kimberly D. Nguyen		
Docket No.:	283-325		
Customer No.:	20874		

Mail Stop: Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**OFFICIAL COMMUNICATION
SUMMARY OF TELEPHONE INTERVIEW**

Sir:

A telephone interview was conducted December 22, 2005 between Supervisory Patent Examiner Michael Lee, Examiner Kimberly Nguyen and applicant's representative George Blasiak. During the interview, the Examiners indicated that, after further examination of U.S. Patent No. 5,821,523, to Bunte et al. (Bunte) with reference to the claims, they had determined that Bunte might possibly affect the patentability of claim 30 and its dependants. Bunte had been previously examined, as is indicated in the Office Action dated May 6, 2005. During the interview, the Examiners requested applicant's representative to point out what were regarded to be the patentable distinctions of claim 30 relative to Bunte. Applicant's

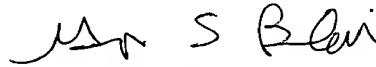
U. S. Patent Application No.: 09/858,163
Official Communication Dated December 28, 2005
Summary of Telephone Interview

representative pointed out that it appeared that Bunte did not have at least the "searching" step of claim 30, but indicated that more time would be needed to more substantively identify and summarize patentably distinct features of claim 30 relative to Bunte (applicant's representative had been invited to the interview to discuss Bunte relative to claim 30 approximately ten (10) minutes prior to the interview). For purposes of expediting allowance, without an allowance being delayed by formalization of another Office Action and the formulation of and presenting of arguments demonstrating that claim 30 is patentable over Bunte, applicant's representative, per the suggestion of the Examiners, agreed to allow the Examiners to cancel claim 30 and dependants with an Examiner amendment. The applicant's representative emphasized that the approval of the cancellation was contingent on the cancellation being without prejudice and emphasized that the applicant intended to carry forward claim 30 and its dependants in a continuing application. Accordingly, it was agreed by both parties that in the interest of efficiency, prosecution of claim 30 and its dependants would be carried forward into a continuing application.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: December 28, 2005



George S. Blasiak
Registration No. 37,283
WALL MARJAMA & BILINSKI LLP
101 South Salina Street
Suite 400
Syracuse, NY 13202
315-425-9000
315-425-9114 (FAX)

Customer No. 20874

GSB/js